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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number **032120**

In re Application of: **Sadao KADOKURA et al.**

Application No.: **10/721,081**

Filed: **November 26, 2003**

For: **BOX-SHAPED FACING-TARGETS SPUTTERING APPARATUS AND METHOD FOR PRODUCING COMPOUND THIN FILM**

The owner*, ETS Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application No. 6,881,311 as the term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- 2. The undersigned is an attorney or agent of record. Reg. No. 43,077



Signature

July 21, 2006
Date

Kenneth H. Salen

Typed or printed name

202-822-1100

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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